

## TITLE 8. CEMETERY

### CHAPTER 8.01

#### 8.01.010. Authority of Sexton.

Under the supervision of the ~~Parks and Recreation Director~~ *Director of Leisure Services*<sup>1</sup>, the cemetery sexton shall take charge of the cemetery, to supervise the work, care, maintenance, improvement and the beautifying of the grounds thereof; and to dig or cause to be dug, all graves required for the burial of the dead therein, to keep a record of burials and removals and to take charge of all funeral corteges while in the cemetery.

#### 8.01.020. Sexton May Make Rules and Regulations.

The cemetery sexton may, with the approval of the Council, make such rules and regulations for the government of the cemetery, not in conflict herewith, as shall from time to time prove necessary.

#### 8.01.030. Burial Permit.

Before burying the body of any deceased person in the City cemetery, there shall be procured from the sexton a permit to bury the deceased person in such lot, block and plat as may be designated. *Permit fees as established by resolution of the City Council will be assessed and collected by the sexton.*

<u>Interments on Weekdays</u>	<u>Resident</u>	<u>Non-Resident</u>
<del>Regular Vault and #2 Child Vault</del> . . . . .	<del>\$200.00 250.00</del> . . . . .	<del>\$335.00 425.00</del> <sup>2</sup>
<del>Double 00 Infant Vault and #1 Child Vault</del> . . . . .	<del>100.00 125.00</del> . . . . .	<del>170.00 200.00</del>
<del>Cremations</del> . . . . .	<del>100.00 125.00</del> . . . . .	<del>170.00 200.00</del>
<del>Double Depth (1<sup>st</sup>)</del> . . . . .	<del>375.00 450.00</del> . . . . .	<del>630.00 775.00</del>
<del>Double Depth (2<sup>nd</sup>)</del> . . . . .	<del>200.00 250.00</del> . . . . .	<del>335.00 425.00</del>
<del>Overtime Charge after 4:00 p.m.</del> . . . . .	<del>100.00 125.00</del> . . . . .	<del>100.00 125.00</del>
<u>Interments on Saturdays and Holidays</u>	<u>Resident</u>	<u>Non-Resident</u>
<del>Regular Vault and #2 Child Vault</del> . . . . .	<del>\$300.00 375.00</del> . . . . .	<del>\$505.00 640.00</del>
<del>Double 00 Infant Vault and #1 Child Vault</del> . . . . .	<del>150.00 190.00</del> . . . . .	<del>255.00 300.00</del>
<del>Cremations</del> . . . . .	<del>150.00 190.00</del> . . . . .	<del>255.00 300.00</del>
<del>Double Depth (1<sup>st</sup>)</del> . . . . .	<del>565.00 675.00</del> . . . . .	<del>945.00 1,160.00</del>
<del>Double Depth (2<sup>nd</sup>)</del> . . . . .	<del>300.00 375.00</del> . . . . .	<del>505.00 640.00</del>
<del>Overtime Charge after 4:00 p.m.</del> . . . . .	<del>150.00 190.00</del> . . . . .	<del>150.00 190.00</del>

No burials will be accepted on any Sunday or on Memorial Day weekend, Thanksgiving Day or Christmas Day.

*Designated areas on the cemetery plats are set aside for interment of infants. No remains shall be permitted to be interred in those designated areas.*

*If a newly placed monument interferes with sprinkler irrigation, the owner will be charged for the necessary modifications to the sprinkler system.*

*Fees for cemetery services may be changed from time to time by resolution of the City Council.*<sup>3</sup>

<u>Certificates of Burial Rights</u>	<u>Resident</u>	<u>Non-Resident</u>
<del>(For all areas of the cemetery except Plats D&amp;F)</del>		
<del>Adult or Full-size Space</del> . . . . .	<del>\$300.00</del> . . . . .	<del>\$500.00</del>
<del>Infant or Urn Space</del> . . . . .	<del>100.00</del> . . . . .	<del>170.00</del>

<sup>1</sup> Ordinance No. 06-01, 01/19/06

<sup>2</sup> Resolution No. 97-16, 8/21/97

<sup>3</sup> Ordinance No. 05-22, 9/29/05

<u>Certificates of Burial Rights</u> (For Plats D&F)	<u>Resident</u>	<u>Non-Resident</u>
Adult or Full-size Space	\$350.00	\$700.00
Infant or Urn Space	125.00	250.00
Includes \$100.00 Perpetual Care Fee for full-size and \$20.00 for infant space.		
<u>Transfer of Burial Rights Certificates</u>	<u>Resident</u>	<u>Non-Resident</u>
	\$10 plus \$10 per tract	\$10 plus \$350 per tract
<u>Disinterments</u>		
Vaulted . . . . .	500.00	
Non-Vaulted . . . . .	1,500.00	
<u>Monument or Marker Charge</u> (Permit to place marker in Cemetery)		
Raised Single Grave Marker . . . . .	25.00	
Raised Double Grave Marker . . . . .	50.00	
Flat Marker (able to mow over) . . . . .	No charge	

The foregoing fees may be changed from time to time by resolution of the City Council.

#### 8.01.040. Information to Be Obtained by Sexton Before Burial.

Before burying any remains in the City cemetery the cemetery sexton shall require the funeral director or persons having charge of the remains to furnish in writing upon blank forms provided by the Council for that purpose a statement of the death, giving the name of the person deceased; with the names of parents and/or spouse; date and place of birth; date and place of death; and the plat, block and lot where the person is to be buried. The sexton shall keep a record of and shall report such information, upon blanks furnished for the purpose, to the City Recorder.

#### 8.01.050. Sale of Certificates of Burial Rights.

The cemetery sexton is hereby empowered to sell certificates of burial rights, and to collect prior to burial all amounts arising from such sales. A certificate describing said rights, including the location, together with the price thereof shall be given each purchaser. The fees for certificates of burial rights shall be established and changed from time to time by resolution of the City Council. ~~as follows:~~

	<u>Resident</u>	<u>Non-Resident</u>
Adult or full size space . . . . .	<del>\$300.00</del>	<del>\$500.00</del>
Infant or urn space (designated areas only) . . . . .	<del>100.00</del>	<del>170.00</del>

The charges for certificate of burial rights include ~~in the above fees a \$50.00~~ perpetual care fee for full size spaces and ~~niches and for designated areas on the cemetery plat set aside for interments of infants. a \$10.00 fee for designated areas on the cemetery plats set aside for interments of infants and cremations.~~ Perpetual care fees are considered paid in full at the time of interment. ~~If the perpetual care fees are increased between purchase and interment, the balance will be added to the interment charges. No perpetual care fees will be assessed on Plats B, C, D and E on burial rights purchased prior to October 16, 1986. The foregoing fees may be changed from time to time by resolution of the City Council.~~

Transfers of certificates of burial rights shall be allowed and the sexton shall collect a fee for the administrative costs of making such transfer. ~~as follows:~~

Resident of Brigham City . . . . .	<del>\$10.00 plus \$10.00 per tract</del>
Non-Resident of Brigham City . . . . .	<del>\$10.00 plus \$200.00 per tract</del>

~~The foregoing rates may be changed from time to time by resolution of the City Council.~~

#### 8.01.060. Perpetual Care Fund.

The fees which are collected for the perpetual care fund shall be deposited in an account and separately receipted by the City. No withdrawals of any deposited amounts may take place until such time as the Council determines to amend this ordinance. The sexton may budget and withdraw from said account the interest which accrues annually and said interest may be used to offset the expense of maintenance at the cemetery.

Perpetual care shall consist of the care and maintenance at the cemetery generally, including such care as mowing, trimming, watering, etc., but shall not include any repairs or maintenance of markers, monuments or memorial structures of any kind.

**8.01.070. Burial in Cemetery Required. Permission Required to Establish Cemetery. Permit Bury in Another's Lot Required.**

No person shall be allowed to bury the dead within the limits of the City except in the cemetery, and no cemetery shall be established unless by permission of the Council. No person except the owner of the lot upon which interment is to be made shall bury in the City cemetery without first obtaining a written permit from the owner of the lot, upon blank forms to be furnished by the City, which permit shall be filed with the cemetery sexton. All burials shall be in vaults approved by the sexton.

**8.01.080. When Remains Must Be Delivered for Burial. Burial on Sunday or Holidays.**

The remains must be delivered at the cemetery prior to 4:00 p.m. or the overtime charges set forth ~~above~~ *by resolution* shall be assessed. No remains will be received at the cemetery during the first day of the week, Sunday. Additionally, no remains will be received at the cemetery on either Christmas Day, *Thanksgiving Day* or Memorial Day *weekend*.

**8.01.090. Disinterments.**

No person shall disinter any remains buried in the cemetery except under the direction of the cemetery sexton. All disinterments shall comply with applicable state law.

<u>Disinterments</u>	<u>Out of Cemetery</u>	<u>In Cemetery</u>
Vaulted . . . . .	\$ 400.00 . . . . .	\$300.00 plus interment charges
Non-Vaulted . . . . .	1,000.00 . . . . .	800.00 plus interment charges

The foregoing fees may be changed from time to time by resolution of the City Council.

**8.01.100. Permits to Be Filed With City Recorder.**

The cemetery sexton shall file all permits, whether for burial or disinterment, with the City Recorder.

**8.01.110. Headboards Or Markers Required.**

The owners of lots or relatives of deceased persons buried in the City cemetery are hereby required to place headboards or markers at the heads of graves at the time of burial, with the name of the deceased plainly inscribed thereon. All markers shall be of a suitable material and be erected according to regulations of the cemetery.

Brigham City and its employees shall have no liability for any damage to any headboards or markers, except such as may occur as a direct result of maintenance of other activities by City employees.

Prior to the installation of any headboard or marker, the sexton shall collect the ~~following fees~~ *established fees*, which fees shall be paid into the perpetual care fund and shall be in addition to any other fees set forth in this chapter.

<del>_____ Raised Single Grave Marker . . . . .</del>	<del>_____ \$25.00</del>
<del>_____ Raised Double Grave Marker . . . . .</del>	<del>_____ 50.00</del>
<del>_____ Flat Markers (able to mow over) _____</del>	<del>_____ No Charge</del>

**8.01.120. ~~Cement Border Around Headstone Or Marker.~~ Monument, Headstone or Marker Requirements.**

No permanent headstones or markers of marble or granite or other rock construction shall be installed in the cemetery without also installing a border of cement, solid rock or other suitable material as approved by the sexton around such headstone or marker six inches in width, which border shall be flush with the lawn so that the lawn may be cut conveniently without contact with the headstones or markers.

All monuments must be placed within the boundary of the grave or graves of the owner in conformity with established rows. Raised monuments in adjacent rows must be a minimum of six and one-half feet (6'6") apart. Monuments shall not exceed 42 inches in height nor be wider than 28 inches, including the concrete base.

**8.01.130. Injury to Tombstone or Other Property.**

Any person who shall injure, molest or deface any headboard, tombstone, curbing, fence, monument, tree, shrub or flower or any other property in the cemetery shall, upon conviction, be guilty of a class B misdemeanor.

**8.01.140. Cemetery Hours.**

No person shall visit the cemetery between the hours of 11:00 p.m. and 5:00 a.m. without the previous consent of the cemetery sexton. Violation of this section shall be punishable as a class B misdemeanor.

**8.01.150. Trees, Shrubs, Fences, Foot Markers, Etc.**

It shall be unlawful for any person to plant, place, maintain or cause to be planted, placed or maintained in the City cemetery any trees, shrubs, flowers, bushes, fences, foot markers, or any other obstruction or installation, excepting a headstone or marker. Any such obstructions in the cemetery shall be removed under the direction of the cemetery sexton.

Nothing in this section shall prohibit the planting and maintaining of trees, shrubs, flowers, bushes, fences and other installations by the cemetery sexton in his official capacity.

**8.01.160. Niche Wall or Columbarium.**

*It shall be unlawful for any person to stick, fasten, wire, or otherwise attach any balloon, decoration or flowers on top of the niche wall or columbarium or on the face of the niche wall or columbarium except flowers are permitted in rosebud vases that are built into or attached professionally on niche face plates.*

*Flowers are permitted around the base of the columbarium or niche wall as long as they do not obstruct walkways. Flowers will be removed after seven (7) days or when deemed necessary by the sexton.*

*Face plate engraving, etching or brass name plate mounting, font, style and pictures, flush mounted and not protruding beyond the flat surface of the face plate, are permitted and are the responsibility of the niche owner.<sup>4</sup>*

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<sup>4</sup> Several changes made throughout with Ordinance No. 05-22, dated 9/29/05.